

**Memorandum of the Meeting
Regular Study Session/Meeting
Twenty-Eighth Town Council of Highland
Monday, November 21, 2016**

The regular study session of the Twenty-Eighth Town Council of the Town of Highland was convened at the regular place, the Highland Municipal, 3333 Ridge Road, Highland, Indiana, in the plenary meeting chambers on **Monday, November 21, 2016** at the time of 7:07 o'clock p.m.

Silent Roll Call: Councilors Mark Herak, Dan Vassar, Steve Wagner, Konnie Kuiper and Bernie Zemen were present. The Clerk-Treasurer Michael W. Griffin was present to memorialize the proceedings.

Also present: John M. Bach, Public Works Director; Susan Murovic, Advisory Board of Zoning Appeals; and Ed Dabrowski, IT Consultant (contract), were present.

Additional persons present: Mr. Tim Carlton, owner of 8804 Kennedy Avenue, Highland; and Mr. Matt Felder of View Outdoor, were also present.

General Substance of Matters Discussed

1. Discussion with Mr. Tim Carlton. Mr. Carlton owns the house at the intersection of Kennedy Avenue and Wicker Avenue (8804 Kennedy Avenue), that has a failing retaining wall.

The Public Works Director discussed with the Town Council the situation regarding the retaining wall. He reminded the Town Council of his prior reports regarding the property and the costs associated with the repair of the wall. This was first reported to the Town Council during the study session convened August 3, 2015. At that time Terry Hodnik, P.E. of NIES Engineers noted that the bids returned from the solicitation for repairing the retaining wall produced a cost of \$138,098. At that time the Public Works Director and Mr. Hodnik suggested that owing to the great cost of the repair, it may be less costly to purchase the property, raze the existing house and grade the parcel so as to eliminate the need for the wall altogether. It was noted that at that meeting the Public Works Director was instructed to seek appraisals for the property and report back to the Town Council.

It is further noted that at the Study Session of March 21, 2016, the Public Works Director reported the preliminary results of the appraisals, noting that the average was approximately \$98,000. At that time the Town Council indicated it was not ready to move forward with a purchase and required more time for deliberation.

Mr. Timothy Carlton, 3330 LaPorte Avenue, Highland, owner of 8804 Kennedy Avenue, Highland, reported that owing to the declining condition of the retaining wall, the house has some ceiling cracking and damage to a bathroom floor. He further noted that there is an increasing gap between the edge of his lawn and the retaining wall as the wall increasingly separates from the property.

Mr. Carlton also expressed a willingness to the sell the property. Mr. Carlton also indicated in the absence of a purchase by the Town, perhaps the Town will pay for the costs of the repairs needed for the house. Mr. Carlton appealed to the Town Council to do something on this matter.

The Town Council indicated that it would review the initial estimate to repair the wall and the appraisals. It was suggested that an estimate of the cost to repair the house damages was needed as well.

2. Discussion with Matt Felder from View Outdoor Advertising, 1000 E. 80th Place, Suite 700N, Merrillville, Indiana. Mr. Felder wishes to discuss property upon which it has an option located at 8200, 8117, 8148 Indianapolis Boulevard.

Mr. Felder of View Outdoor, at the invitation of the Town Council President, indicated that the property development division associated with View Outdoor held an option on the property located at 8117 8148 and 8200 Indianapolis Boulevard, Highland, noting it was near Stan's Bait Shop. He further indicated the difficulty in developing the sites. Mr. Felder indicated that Mr. Bill Petrites, owner of Stan's Bait Shop, indicated that the Town Council was inquiring about the property. Mr. Felder inquired of the Town Council's vision or desire for the property. Mr. Felder indicated that he was aware that the Town's current zoning ordinances prohibit advertising signs, but that he would be pleased to install an advertising outdoor sign at the site. Mr. Felder further opined that development could not likely go forward without some public-private partnership.

Councilor Vassar, with leave from the Town Council, indicated that the Town Council was inquiring about some of the property to landscape it aesthetically, in a fashion like the east side of Indianapolis Boulevard, directly across from the property being discussed. Councilor Vassar indicated that he envisioned a green space and perhaps a sign much like the one already in place on the east side of the street, directly across from the site being discussed.

Councilor Vassar and Mr. Felder engaged in a colloquy in which Councilor Vassar explored the type of outdoor sign that Mr. Felder might seek and whether View Outdoor could in exchange for this outdoor sign installation, provide the green space and the similar sign as discussed. It was agreed that Mr. Felder would explore the matter and meet again with the Town Council at its study session two weeks later. Mr. Felder departed at this time.

3. Discussion regarding the Tabled Matter, Use Variance Petition to Allow Construction of Luke Gas Station on Indianapolis Boulevard, that is not located at an intersection (a corner lot) as required in the Municipal Code. (The matter was tabled by the Town Council at its recent meeting.) The tabled matter was presented to the Council at its meeting of November 14, with a favorable recommendation from the Advisory Board of Zoning Appeals, by a vote of 3 in favor and 2 opposed to grant the variance being sought. It was tabled without a dispositive action at the same meeting.

The Town Council discussed the traffic management challenges for the proposed development, noting that the petitioners described a plan to have traffic ingress ONLY from Indianapolis Boulevard, with egress only to Main Street. The Town Council discussed whether the Town Council would have another opportunity to act on the matter from its pendency with the Plan Commission. The Council President, who is a plan commission member, could not clarify whether the matter before it by the same petitioner entailed seeking a rezoning (a map amendment) in which case it would require action by the Town Council, or a subdivision control proceeding, in which case, it would not come to the Town Council.

It was also noted that if the Town Council did not act within 90 days from the date the Advisory Board of Zoning Appeals acted, the recommendation of the Board would be final. The discussion included the process of taking the matter from the table at its meeting of November 28 and then setting for action at a special meeting on December 5 or at its regular meeting of December 12.

4. Discussion Regarding Need to Reschedule the Last Plenary Meeting of the Year.

It was noted that the fourth Monday of December, the standing date for one of the monthly plenary business meetings of the Town Council, is December 26th, which is the observed Christmas holiday for the municipal workforce. The Clerk-Treasurer

indicated that it may be desirable for the Town Council to take action to reschedule that meeting for the Wednesday or the Thursday of that week. There was no objection by the Town Council for setting the matter for action on its agenda for the meeting on November 28.

5. Discussion regarding prospect for modifying the current Wage and Salary Ordinance to Grant a Part-time position of Chancery/Bursar Clerk.

The Clerk-Treasurer indicated an employee in his office was requesting part-time status but hoped to retain the group health benefits. The Clerk-Treasurer further explained that he believed the position that the worker occupied should be full-time. However, he would be willing to allow the request on a trial basis, and then evaluate the matter. The Clerk-Treasurer indicated that owing to the terms of the Compensation and Benefits Ordinance, any worker assigned part-time and eligible for group health benefits, required Town Council action. The Clerk-Treasurer further explained that in his case, he would need an additional part-time slot, as there is no slot that would pay the same hourly rate as the position. The Clerk-Treasurer inquired if the Town Council would have any objections to having an ordinance prepared for its consideration at the November 28 meeting in order to facilitate the worker's request.

The Town Council discussed the possible impacts on other workers in terms of workload shift. It further discussed issues of morale for the Clerk-Treasurer Staff. The Town Councilors who directly participated in the discussion indicated no interest in considering any amendment that would facilitate the request and there was no objection to that position from other members. The Clerk-Treasurer thanked the Town Council and indicated he would communicate to his employee the Town Council's position.

There being no further business necessary or desired to be discussed by the Town Council, the regular study session of the Town Council of **Monday, November 21, 2016**, was adjourned at 8:02 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer